

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
Room 220, Senate Building, Utah State Capitol Complex
February 4, 2010**

Members Present: Sen. Jon J. Greiner, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Sen. Ben McAdams
Rep. Douglas C. Aagard
Rep. Richard A. Greenwood
Rep. Steven R. Mascaro
Rep. Curtis Oda
Rep. Larry B. Wiley

Members Excused: Pres. Michael G. Waddoups
Rep. Jennifer M. Seelig

Staff Present: Steve Allred, Fiscal Analyst
Gary Syphus, Fiscal Analyst
Jennifer Eyring, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Sen. Greiner called the meeting to order at 2:25 p.m.

Gary Syphus, Fiscal Analyst, discussed the Budget Brief for the Judicial Branch. The Court System has five line items: Administration, Grand Jury, Contracts and Leases, Jury, Witness and Interpreter Fees, and Guardian ad Litem. The Jury, Witness and Interpreter line item regularly runs a deficit which is paid from the General Fund at the end of the year. The Courts' caseload has increased by about 15%, mostly from civil cases. Three bills from the 2009 General Session increased Court fees. The projected revenue from two of these fee increases has exceeded the original estimations. The Brief outlines performance measures, the 5% budget reductions and Analyst recommendations. State Courts Line Item Detail, the Federal Funds Issue Brief and the list of Court Fees were included with the Budget Brief.

Rep. Mascaro observed that the Courts brought \$7 million more than expected into the State, but were being asked to cut \$5 million from their budget.

Guardian ad Litem

Tani Downing, Guardian ad Litem Oversight Committee, gave an overview of the duties and responsibilities of the Office and the Oversight Committee. The Oversight Committee is made

up of seven members. Currently the members are Tani Downing, Regnal Garff, Kevin Gully, Lisa Watts-Baskin and Robert Steele. Two positions are waiting to be filled. She stated that Rick Smith has done a great job as the Director and that the audit shows improvement with the support of the Oversight Committee and additional funding appropriated by the Legislature.

Rick Smith, Director, Office of Guardian ad Litem, spoke about the three critical funding areas of the Office. The first item is the number of child clients per attorney. The U.S. government standard is 100 children per attorney. In Utah, the number is 200 children per attorney, but that is an improvement over the past. The ratio is important in making sure that the children are properly served. The second item is the number of support staff per attorney. It is currently one staff person for two attorneys. The third item is parity for attorneys. They are currently paid about 34% less than in other states, with an average turnover rate of 25% per year.

The Office has focused on three areas to reduce costs and keep service high. They include improving efficiencies, high performance standards, and maximizing resources. The Office is implementing an automated case management program and has created best practice guidelines for attorneys. They have also become involved with the Child Welfare Law Specialist Certification program. With the difficult economic times, the Office has looked for other funding sources including collecting from parents who can afford to pay, partial reimbursement funding for training costs from the Federal Government, and pass through funds from the Department of Workforce Services and the Temporary Assistance for Needy Families (TANF) program.

Mr. Smith explained the Court Appointed Special Advocates (CASA) program which trains and utilizes volunteers to serve children as additional support and a close link with their Guardian ad Litem attorney. A new private non-profit organization, Utah's Friends of CASA (UFC) has been established to recruit and retain CASA volunteers. They are excited about this private-public partnership that can raise private sector funds to strengthen this program.

In response to committee questions, Mr. Smith stated that attorneys can handle the higher case loads if they have additional support staff. Increasing staff help is a more cost effective way to handle the case loads, but funding has been the issue.

Rep. Mascaro and Rep. Oda expressed appreciation for Mr. Smith and the improvements made in the Guardian ad Litem Office.

Courts

Dan Becker, Court Administrator, introduced Myron March, Deputy Court Administrator, Ray Wahl, Juvenile Court Administrator, Rich Schwermer, Assistant Court Administrator, Derek Byrne, Budget Manager, and Alyn Lunceford, Facilities Manager. He addressed the FY 2010 permanent reductions of \$5,574,300 and 65.5 FTEs. The additional 4% reduction for FY 2010 plan includes a hiring freeze, non-personnel spending reductions, the transfer of restricted

account balances, and furloughs. Actions taken to improve performance and reduce spending were reviewed as outlined on the handout provided to the committee. Not included on the list is the implementation of a transcript management system.

The FY 2011 budget reductions were explained. The majority of the Courts' funding comes from the General Fund, but they are limited in the areas they can reduce expenditures. Personnel costs account for 91.7% of the budget. Judges salaries, leases and contracts, and the Juror, Witness and Interpreter Fees line item are not available for cost reductions, leaving the reductions to be taken primarily through cutting 93 FTE positions. The handout outlines the loss of staff to each area and the impacts the cuts would have. In response to committee questions, Mr. Becker stated that closing facilities has not been a workable option, that State vehicles are primarily used for juvenile probation officers and rural judges, that they have costs for membership fees and dues, and that the office furnishing cost listed was for furnishing a new courthouse.

Alyn Lunceford, Facilities Manager, stated that other non-medical contracted services include mental health evaluations, treatment programs and other items contracted out in the Juvenile Justice system. Parking space rental and bus passes are primarily for staff at the Matheson Court House. Costs for receptions or meetings will go down considerably because those have been eliminated or simplified. Costs for vehicles from fleet operations were explained.

Mr. Becker and Mr. Lunceford discussed the workload increases and performance measures. FY 2009 showed a 15% increase in filings and FY 2010 filings appear to be at the same level. In reviewing the performance measure charts, it was pointed out that the ability to hear and clear cases has been slowing, with civil cases being the most affected. How the Courts are adjusting case load management to be more efficient was explained. They expressed their concern that if these trends continue over the next year, there will be some serious delay problems.

Requests for FY 2010 include a one-time supplemental from restricted accounts be put towards the 4% reduction amount, the 4% reductions be taken only from the main line item, and a Juror, Witness and Interpreter Supplemental of \$804,200 for FY 2008, FY 2009 and FY 2010 deficits.

Requests for FY 2011 include raising the spending cap for the Justice Court Technology, Security, and Education Fund restricted account, one-time funding for the Online Court Assistance Program from restricted funds, funding to extend backfill for clerks office personnel for one more year, and nonlapsing intent language. Mr. Becker noted that the funding for clerks is a critical need.

Public Comment

Eric Bjorklund, President, Utah Youth Village, explained the Family First program and called it the most effective money the State pays to keep youth away from the system. The program strengthens the parents and the family and helps the youth stay in their homes. He next

discussed the problem that his program and other providers are facing with low rates paid by the state, compounded by the 4% and 5% reductions and the \$9 million that will be lost in Medicaid funding. Providers have already closed 120 beds or opened them to youth from other states, and with Medicaid changes, another 400 beds are expected to close. The clients served are referred to them by the courts and they receive a set rate to provide service. The remainder of their costs must be covered in some other way. He urged the committee to address the difficult problem of providing care for these youth.

Dr. Madolyn M. Liebing, The Journey, provided the abstract of a study done on family therapy and recidivism rates. She stated that 70% of clients who successfully completed the treatment program had not committed any crimes six months after the program completion. The study is continuing for more long term data. She said that data shows that if you intervene early on with youth, you can turn them around and keep them out of the system. She expressed her concern that juveniles who need these programs are not going to be served due to lack of funds.

Vicky Goodman, The Journey, and Youth Providers Association, spoke about the cuts from Medicaid and the State budget and how that will affect their programs. She stated that changes in Medicaid funding will realign how they run their business and since fixed costs don't change, the cuts have to be taken in programs or personnel. She emphasized that they are committed to find a way to serve as many as possible, but asked the committee to help in any way that they can. A paper outlining their concerns was given to the committee.

Rep. Mascaro spoke about the possibility of changing case load management so that cuts are taken in the area of case managers instead of cutting rates to the providers. He suggested that it might work to have a case manager handle all the clients in a facility instead of having ten to fifteen different managers working with each facility.

Rep. Hutchings said that he feels strongly that kids deserve a chance and that he would like to see more community based programs. He said that parents are a great asset, but that they need to be trained how to deal with these youth. With difficult economic times, everyone will have to be very proactive in finding new ways to do things. He encouraged the providers and everyone involved to look for solutions and to work together with the committee to find different and more efficient ways to provide for these youth.

Rep. Mascaro suggested that providers work on getting grants and matching them with Federal Funds to maximize funds. Ms. Goodman said they are working on getting grants.

Cassie Grzesh, Quality Assurance Director, Ascent, discussed treatment for youth sex offenders. She stated that the recidivism rate for youth who complete the program is about 2%. She feels that the risk they pose to society is very great, but treated at a young age, they have a great chance of doing well. She echoed the previous speakers in that budget cuts are pressuring case workers to pull youth out of programs before they can complete them.

Layne Meacham, Lloyd E. Ohlin Institute, spoke about the benefits of community based programs for youth who do not need to be in secure beds. He provided the committee with

printed information concerning private providers.

MOTION: Rep. Oda moved to approve the minutes of the January 27, 2010 meeting. The motion passed unanimously.

MOTION: Rep. Mascaro moved to adjourn the meeting. The motion passed unanimously.

Sen. Greiner adjourned the meeting at 5:00 p.m.

Sen. Jon J. Greiner, Co-Chair

Rep. Eric K. Hutchings, Co-Chair